IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 24.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.2492 of 2001

Union of India,
rep., by Principal Chief Post Master
General, Tamil Nadu Circle,
Mount Road,
Chennai-600 002. ... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
rep., by the Collector of Chennai-
cum-Accommodation Controller,
M.Singaravelar Maligai,
P.B.1364, Chennai-600 001.

2.R.J.Amarnath .. Respondents/Respondent

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 31.10.2000 made in W.P.No.16590 of 2000.

WP 16590/2000: Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus calling for the entire records leading to the issue of the Do.Lr.No.M2/28 634/95 dt. 18.9.2000 on the file of the Collector of Chennai-cum-Accommodation Controller the 1st Respondent herein and quash the same and further the Respondents from proceedings against the Petitioner herein under the Provisions of Revenue Recovery Act for recovery of any rental dues in respect of Premises No. 136, Anna Salai, Chennai-2 allotted to South Post Office.

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For Appellant : Mr.K.Sridhar

For 1st respondent : Mr.K.Elango
Special Government Pleader

For 2nd respondent : No appearance

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 31.10.2000 made in W.P.No.16590 of 2000, in and by which, the learned single Judge, after finding that pursuant to the orders passed in E.P.No.1217 of 1999 and C.R.P.No.807 of 2000, the impugned order issued by the Collector of Chennai, cannot be interfered with, has dismissed the writ petition with liberty to the petitioner to take appropriate steps to get itself impleaded in the Civil Revision Petition.

2. Heard the learned counsel appearing for the appellant as well as the learned Special Government Pleader for the first respondent.

3. The learned counsel appearing for the appellant has brought to our notice that even on the date when the learned single Judge has passed an order i.e., on 31.10.2000, the Civil Revision petition came to be finally disposed of. Hence, there is no question of impleading them in the revision. Whatever may be, even on 11.08.2000, while disposing of C.R.P.No.807 of 2000, the learned Judge of this Court, after considering the contentions of both parties, viz., the Collector of Chennai-cum- the Accommodation Controller and the respondent therein, viz., R.J.Amarnath and finding that the decree has become final, since no appeal had been filed, has concluded that the decree amount has to be paid by the petitioner therein viz., the Collector of Chennai. After arriving so, the learned Judge directed the petitioner therein to pay a sum of Rs.10,000/- on or before 11.09.2000. Pursuant to the said direction, the Collector of Chennai, has issued the impugned notice asking the writ petitioner/appellant-the Chief Post Master General, Tamil Nadu Circle, to pay the said amount. As rightly observed by the learned Judge, in view of the fact that the order passed in the Civil Revision Petition has become final, if there is an error in the direction issued by the Execution Court in E.P.No.1217 of 1999, the same cannot be rectified by us in this writ appeal. If the law permits, the appellant is free to move the first respondent- the Collector of Chennai or the appropriate Forum/Court to vindicate their grievance.

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4. With the above observation, the writ appeal is dismissed. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1) The the Collector of Chennai-
cum-Accommodation Controller,
State of Tamil Nadu,
M.Singaravelar Maligai,
P.B.1364, Chennai-600 001.

2) The Principal Post Master General,
Tamilnadu Circle, Mount Road, Madras-2.

1 CC TO G.P., SR 57581

1 CC TO MR.K. SRIDHAR, ADVOCATE SR 57472

W.A.No.2492 of 2001

GM(CO)

BP/1.12 24.11.2006

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